

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 673 - HB 860

February 26, 2017

SUMMARY OF BILL: Creates an exception to the offense of simple possession of marijuana for any person holding a valid, state-issued medical marijuana identification card pursuant to a valid physician's recommendation.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tennessee Code Annotated § 39-17-418 punishes simple possession of a controlled substance as a class A misdemeanor. Simple possession of marijuana is one-half ounce or less.
- The proposed legislation creates an exception for any person holding a valid medical marijuana identification issued by any state pursuant to a valid physician's recommendation.
- Statistics from the Administrative Office of the Courts show an average of 1,946 class A misdemeanor convictions per year under Tenn. Code Ann. § 39-17-418 over the last five years. These statistics represent convictions at the state court level. It is assumed that only 10 percent of misdemeanor convictions are at the state court level. It is assumed that there are a total of 19,460 convictions ($1,946 \times 10$) per year for violations of Tenn. Code Ann. § 39-17-418.
- Simple possession applies to all schedules of controlled substances. It is assumed that 60 percent of the 19,460 convictions ($19,460 \times 0.6 = 11,676$ convictions) relate to marijuana. Further, it is assumed that one percent of the 11,676 marijuana convictions ($11,676 \times 0.01 = 116.76$) involve a person holding a valid medical marijuana identification card.
- However, it is assumed that most persons from outside Tennessee that are arrested and convicted for simple possession do not serve any period of confinement. It is assumed that the proposed legislation will not significantly impact local incarceration costs.
- These convictions will be against nonresidents, as Tennessee does not issue medical marijuana identification cards. Statistics from the U.S. Department of Justice's Bureau of Justice Statistics show a national indigence rate of more than 70 percent. It is assumed

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that 70 percent, or 82 convictions (116.76×0.7), will be found indigent and will not be assessed a criminal fine. The other 35 convictions will be assessed a criminal fine.

- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant.
- Further, these convictions will be against nonresidents, making collection efforts more difficult for court clerks.
- There will not be a significant decrease in fine revenue as a result of the exception created by the proposed legislation.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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